

**AMENDMENT**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**In the claims**

Claim 1 (currently amended): A semiconductor light emitting element of a monolithic structure, comprising:

a first-conductivity-type semiconductor substrate;

a first-conductivity-type clad layer formed on the first-conductivity-type semiconductor substrate;

an active layer formed on the ~~first-conductivity-type semiconductor substrate~~ first-conductivity-type clad layer;

a second-conductivity-type clad layer formed on the active layer; and

a current diffusion layer formed on the second-conductivity-type clad layer,

wherein the active layer is of a first conductivity type.

Claim 2 (original): The element of claim 1, wherein the semiconductor substrate is a GaAs substrate, and the active layer is a semiconductor layer containing Al, Ga, As, In and/or P as constituent atoms.

Claim 3 (original): The element of claim 1, wherein the active layer contains Si or Se atoms as first-conductivity-type impurities.

Claim 4 (original): The element of claim 1, wherein the active layer contains Zn or Mg as first-conductivity-type impurities.

Claim 5 (original): The element of claim 1, wherein the active layer contains first-conductivity-type impurities in a concentration between  $3 \times 10^{16}$  and  $10 \times 10^{16} \text{ cm}^{-3}$ .

Claim 6 (canceled)

Claim 7 (currently amended): The element of claim 12 ~~claim 6~~, wherein the spacer layer is either a non-doped layer or a second-conductivity-type layer.

Claim 8 (currently amended): The element of claim 12 ~~claim 6~~, wherein the spacer layer has a thickness of 0.1 to 0.2  $\mu\text{m}$ .

Claim 9 (currently amended): The element of claim 12 ~~claim 6~~, wherein the spacer layer is formed of the same constituent atoms in the same composition as is the case of the second-conductivity-type clad layer.

Claim 10 (original): The element of claim 1 or 9, wherein the active layer is formed of GaAlInP, the second-conductivity-type clad layer is also formed of GaAlInP, and the Al mixed crystal ratio of the active layer is lower than that of the second-conductivity-type clad layer.

Claim 11 (original): The element of claim 10, wherein the Al mixed crystal ratios of the second-conductivity-type clad layer and the spacer layer are approximately 0.7, and that of the active layer is approximately 0.3.

Claim 12 (new): A semiconductor light emitting element of a monolithic structure, comprising:

- a first-conductivity-type semiconductor substrate;
- a first-conductivity-type clad layer formed on the first-conductivity-type semiconductor substrate;
- an active layer formed on the first-conductivity-type clad layer;
- a spacer layer formed on the active layer;
- a second-conductivity-type clad layer formed on the spacer layer; and

a second-conductivity-type clad layer formed on the spacer layer; and  
a current diffusion layer formed on the second-conductivity-type clad layer, wherein the active layer is of a first conductivity type.